

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
December 05, 2004
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 9:39 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Absent: Councilor Rita Shananaquet

Legal Staff Present: Allie Greenleaf Maldonado

Staff Present: Michele LaCount, Albert Colby, Jr., Valerie Tweedie, Ken Fegan, John Espinosa, Steve Rankin, Heidi Yapple

Commission, Boards and Committees:

Guests: Deleta Gasco Smith, Richard Wemigwase, Carol McFall, Marty VanDeCar, Judy Pierzynowski, Sharon Sierzputowski, Andrew Stich

Opening Ceremony: Frank Ettawageshik

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to adopt the agenda for December 5, 2004.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve the minutes of November 21, 2004 as presented.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to accept the Tribal Elder's verbal report as presented by Richard Wemigwase, Chairperson.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Treasurer's report as presented by Valerie Tweedie, C.F.O., written and verbal for December 5, 2004.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to rescind the motion that was made on October 17, 2004

to authorize the C.F.O. and the Treasurer to work with Merrill Lynch for a \$3.58 million loan to refinance the remaining balance of the loan for the Tribal Administration building. Both completed loan documents to be brought to Tribal Council for final approval.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve the extension of the maturity date for the Tribal Administration building loan with National City Bank for approximately \$3.54 million and authorize the Tribal Chairman and Treasurer to sign the commitment letter and necessary loan documents.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

10:06 a.m. Vice-Chairperson Beatrice A. Law leaves

10:07 a.m. Vice-Chairperson Beatrice A. Law returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the Tribal Administrator's report as presented on December 5, 2004, verbal and written.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve the Elder's Ramp Program add two line items to the 2005 budget, \$50,000 to fund the Elder's Ramp Program and \$15,000 to fund another video history project and approve \$3000 for FY 2004 budget from prior year balance to fund snow removal for the Elders.

Vote: 5 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 1 Abstained (Councilor Regina Gasco Bentley)

Motion Carried

10:28 a.m. recess called

10:45 a.m. meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to waive the income eligibility requirements for recipients of the Tribe's child care payments that will become ineligible due to the \$500.00 per capita payment, additionally the payments under this waiver shall come from the General Fund rather than the restricted program fund.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported Secretary Dexter McNamara approving the 2005 liquor license the Biindigen Convenience store developed by the Little Traverse Bay Bands of Odawa Indians Legal Department and authorize the Tribal Chairman to sign.

Vote: 4 Yes, 2 No (Councilor Fred Harrington, Jr., Treasurer Alice Yellowbank), 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

11:45 a.m. Public Comment opened: Carol McFall, Andrew Stich
11:48 a.m. Public Comment closed

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Fred Harrington, Jr., to accept the Tribal Chairman's verbal and written report for December 5, 2004.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

12:08 p.m. recess called
2:00 p.m. meeting reconvened

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara for any Tribal Council member to attend the 8% payments meeting in Lansing on December 13, 2004, to include mileage, stipend and per diem.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Legal Department's report as presented by Allie Greenleaf Maldonado, for December 5, 2004, written and verbal.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to clarify the per capita payment policy by declaring that when more than one parent or legal guardians submits a Minor Child/Ward of the Court Address Verification Form by the deadline stated in the mailed instructions, the child's per capita check shall be sent to the parent or guardian having primary physical custody of the child. In cases of joint custody where both parents submit the address verification form by the deadline stated in the mailed instructions the check shall be sent to Tribal Court for determination of distribution.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to renew the on premise liquor license for the Victories Casino and Hotel, Petoskey, Michigan and authorize the Tribal Chairman to sign.

Vote: 5 Yes, 1 No (Treasurer Alice Yellowbank), 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

4:00 p.m. Public Comment opened: no comments
4:01 p.m. Public Comment closed

4:01 p.m. Recess called

4:20 p.m. meeting reconvened

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #120504-01 U.S. Department of Housing and Urban Development, FY 2004 Indian Community Development Block Grant Program, Little Traverse Bay Bands of Odawa Indians, Public Facilities and Improvement Project: Resolution to confirm the existence of Financial Management and Internal Control Policies and Procedures.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt Resolution #120504-02 U.S. Department of Housing and Urban Development, FY 2004 Indian Community Development Block Grant Program, Little Traverse Bay Bands of Odawa Indians, Public Facilities and Improvement Project: Resolution to confirm the existence of Procurement and Contract Management Policies and Procedures.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #120504-03 U.S. Department of Housing and Urban Development, FY 2004 Indian Community Development Block Grant Program, Little Traverse Bay Bands of Odawa Indians, Public Facilities and Improvement Project: Resolution to Support an Operations and Maintenance Plan.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to adopt Resolution # 120504-04 U.S. Department of Housing and Urban Development FY 2004 Indian Community Development Block Grant Program Little Traverse Bay Bands of Odawa Indians Resolution to Identify and Commit Tribal Resources.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt resolution #120504-05 U.S. Department of Housing and Urban Development FY 2004 Indian Community Development Block Grant Program Little Traverse Bay Bands of Odawa Indians Resolution to verify Citizen Participation.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Secretary Dexter McNamara to adopt Resolution #120504-06 United States Department of the Interior Bureau of Indian Affairs Authorization for Fiscal Year 2005 P.L. 93-638 Contract.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #120504-07 LTBB Representation at Tribal/State Summit Planning Meetings.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-no, Councilor Regina Gasco Bentley-no

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adopt resolution #120504-08 Supporting the Activities of Other Tribes.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve the Gaming Board of Directors Compensation Policy, GBDPolicy120504-00.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to approve Burial request #A0091 for \$1,164.90.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to approve Burial request #A0090 for \$5,000.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to approve Burial request #A0089 in the amount of \$659.94.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

5:55 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to adjourn.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date